

1 **Board of Forestry and Fire Protection**

2 **OAK WOODLAND MANAGEMENT EXEMPTION, 2017**

3 **Title 14 of the California Code of Regulations (14 CCR),**

4 **Division 1.5, Chapter 4, Subchapter 1, Article 1 and Subchapter 7, Article 2**

5 **November 1, 2016**

6
7 **Amend:**

8 **§ 1038 Exemption**

9 Persons who conduct the following types of Timber Operations are exempt from the
10 plan preparation and submission requirements (PRC § 4581) and from the completion
11 report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA with the
12 following exceptions and requirements:

13 (i) no tree that existed before 1800 A.D. and is greater than sixty (60) inches in diameter
14 at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter
15 at stump height for all other tree species shall be harvested unless done so under the
16 conditions or criteria set forth in subsection 1038(h).

17 (ii) all timber operations conducted in the Lake Tahoe Region pursuant to 14 CCR §
18 1038 must have a valid Tahoe Basin Tree Removal Permit (as defined by the Tahoe
19 Regional Planning Agency) or shall be conducted under a valid TRPA Memorandum of
20 Understanding (MOU), when such a permit is required by TRPA.

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22 (j) The harvesting of trees in compliance with PRC § 4584(j)(11), Forest Fire Prevention
23 Exemption Pilot Project, limited to those trees that eliminate the vertical continuity of
24 vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing
25 the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns,

when the following conditions are met:

(8) Only trees less than 24 twenty six (26) inches outside bark stump diameter, measured at eight inches above ground level, may be removed.*****

(l) The cutting or removal of trees to restore and conserve California black or Oregon white oak woodlands and associated grasslands, if all the following requirements are met:

(1) The Logging Area does not exceed:

a. Three-hundred (300) acres for the timberland owner identified pursuant to 14 CCR § 1038.2(b); or

b. Cumulatively exceed three-hundred (300) acres of Director accepted Notice of Exemptions, pursuant to 14 CCR § 1038(j), over any five year rolling period for the timberland owner identified pursuant to 14 CCR § 1038.2(b).

(2) The Notice of Exemption, described in 14 CCR § 1038.2, is prepared, signed and submitted by a RPF to the Director. The RPF shall provide their current address and telephone number on the form.

(3) The RPF preparing the Notice of Exemption shall, upon submission of the Notice of Exemption, shall include:

A. A map of the area of timber operations that complies with 14 CCR § 1034(x)(1), (3), (4), (7), (11) and (14).

B. A description of the preharvest stand structure and statement of the postharvest stand stocking levels.

C. A certification that states:

1. that a minimum of thirty-five (35) square feet of basal area per acre of California black or Oregon white oak, or both, occupy the area within the

Comment [A1]: PRC 4584 (j) (11) (B)

Comment [A2]: PRC 4584 (k)

Comment [A3]: PRC 4584 (k) (4)

Comment [A4]: PRC 4584 (k) (1) pg 90

Comment [A5]: PRC 4584 (1) (A) pg 91

Comment [A6]: PRC 4584 (k) (1) (C) pg 91

Comment [A7]: PRC 4584 (k) (1) pg 91

Notice of Exemption prior to timber operations occurring; and

2. that the proposed timber operations are designed to restore and conserve California black oak and Oregon white oak and associated grasslands.

(A) Confidential archaeological information pursuant to 14 CCR § 929.1(c)(2) and (7) –(11) [949.1(c)(2) and (7) –(11), 969.1(c)(2) and (7) –(11), including site records, if require pursuant to 14 CCR § 929.1(g) or 14 CCR § 929.5(g).

Comment [A8]: PRC 4584(k) (7) Pg 91
This does not seem to match the definition of the Con Arch Letter in 895.1 or standards for the

(4) Only trees less than twenty-six (26) inches outside bark stump diameter, measured eight (8) inches above ground level may be removed for commercial purposes.

Comment [A9]: PRC 4584 (k) (2) pg 91

(5) The postharvest stand shall meet, at a minimum, the following criteria:

a. A minimum of eighty (80) percent of the pretreatment basal area of California black oak or Oregon white oak , or both, shall be retained; and

Comment [A10]: PRC 4584 (k) (6) pg 91

b. A minimum of thirty-five (35) square feet of basal area of California black oak or Oregon white oak , or both, shall be retained; and

Comment [A11]: PRC 4584 (k) (6) pg 91

c. Conifer stocking shall represent less than twenty five (25) percent of the total onsite stocking of all trees within the area of operations.

Comment [A12]: PRC 4584 (k) (5) pg 91

d. All harvested conifers shall be within three hundred (300) of a California black oak or Oregon white oak that is a minimum of four (4) inches dbh.

Comment [A13]: PRC 4584 (k) (3) pg 91

e. All Slash created by the Timber Operations shall be treated to achieve a maximum postharvest depth of eighteen (18) inches above the ground within

Comment [A14]: PRC 4584 (k) (8) pg 91

twenty four (24) months of the date that the director received the submitted notice. Treated Slash shall be configured in a manner that minimizes risk of fire related mortality to all retained California black oak or Oregon white oak.

Comment [A15]: Option to provide additional clarity or enforceable standard. For examples see: 923.4(i) page 128 FPRs 1038(i) (10) (B) (III) page 198 FPRs 1052.4 (d) (5) (B) 1. Page 212 FPRs

(6) Timber operations shall comply with the limits established in 14 CCR § 1038.

Comment [A16]: PRC 4584 (k) (9)

subsection (b)(1) –(10).

(7) An exemption pursuant to 14 CCR § 1038(l) is not application to timberlands

Comment [A17]: 4584 (k) (11) pg 91

1 within the Southern Sub-District of the Coast District as defined in 14 CCR § 895.1. or the
2 Southern District as defined in 14 CCR § 909.

3 (8) 1038(l) shall become inoperative on January 1, 2024.*****

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5 *****Note: Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.

6 Reference: Sections 4290, 4291, 4516, 4527, 4584, and 4584.1, Public Resources Code; and

7 *EPIC v. California Department of Forestry and Fire Protection and Board of Forestry* (1996) 43

8 Cal. App.4th 1011. *****

9 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code. Reference:

10 Sections 4527 and 4584, Public Resources Code.

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